IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3261 OF 2006

Popat Ramchandra Bendkoli ..Applicant

Versus

State of Maharashtra .. Respondent

Mr.H.S.Venegavkar for applicant

Ms.M.H.Mhatra, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th September 2006.

P.C.

. Applicant is arrested on 15th March 2006 in connection with C.R.No.31 of 2006 registered at Wadiwarhe Police Station, Nashik for offences

punishable under section 302 I.P.C. Complaint is lodged by Mrs.Ranjana on 14th March 2006. It appears from the statement of the wife of the deceased Dasharath that he was addicted to Alcohol and continuously beating and harassing the complainant. It appears that on the date of incident as well, the same act was alleged to have been committed by the deceased. The complainant wife has specifically stated that she was tired and fed up and had gone to her parents place. On the date of incident when she was there at his house, the deceased came and once again started abusing and shouting and even beating one of the minor daughters. Applicant is father of the deceased and when this act was repeated, he was also agitated. Further, he was agitated and angry because the deceased assaulted him as well. In such circumstances, he picked up a wooden log and he is alleged to have hit the deceased on his head.

2. Apparently, the act that is attributed to the applicant- father of the deceased is on account of the history of Alcoholism of deceased and repeated acts of assault on wife who is complainant as well as minor daughter. In such circumstances and it being unlikely that the father would assault the son except on account of such history and at the spur of moment, so also applicant being 62 years of age and investigations being complete and charge sheet filed, coupled with absence of any criminal antecedents, applicant deserves to be enlarged on bail. Hence, following order:-

i) The applicant arrested in connection with C.R.No.31 of 2006 registered with Wadiwarhe Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a week on every Saturday, between 11.00 a.m. and 1.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not

directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)